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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,733	09/21/1999	RANDY BUSWELL	049051-0189	3741
31824 7590 06/11/2009 MCDERMOTT WILL & EMERY LLP 18191 VON KARMAN AVE. SUITE 500 IRVINE, CA 92612-7108				
EXAMINER				
CHAVIS, JOHN Q				
ART UNIT		PAPER NUMBER		
2193				
MAIL DATE		DELIVERY MODE		
06/11/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/400,733

Applicant(s)

BUSWELL ET AL.

Examiner

John Chavis

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-21 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C)
Paper No(s)/Mail Date 1/14/09, 3/17/09, 3/23/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-5, 7-21, and 23-25 are rejected under 35 U.S.C. 102(a) as being anticipated by Giokas et al (EP 046709 A2).

1. Currently Amended) A terminal for displaying application program information in a windowing environment comprising (see the title and the abstract of Giokas et al. – EP 0469709 A2):

a processor adapted to receive windowing information supplied by application programs executing on a remotely located application server (see the X Client in fig. 5), the application programs resident on the server (see item 530 of fig. 5);

a display configured to display the windowing information supplied by the application programs executing on the server (see again the X clients in fig. 5); and

means for simultaneously maintaining more than one connection for the application programs between the terminal and server (see fig. 13 in which the windows (more than one and simultaneous), col. 65 line 36-col. 7 line 7 and fig. 7 (especially the background information – again i.e. simultaneous connections);

wherein the terminal does not execute locally the windowing information. (see col. 6

lines in which it is noted that clients can not detect whether they are running convention X Windows or an X Windows system according to the invention (i.e. via a server))

2. (Original) The terminal of Claim 1 wherein the multiple connections means includes:

means for establishing more than one virtual machine on the terminal, each virtual machine running an open session (see again the multiple windows in the rejection of claim 1.).

3. (Previously Presented) The terminal of Claim 1 wherein the terminal includes a foreground and a background, and the multiple connections means includes:

means for stopping and redisplaying writing of a screen when a session is moved to the background without saving the screen in memory (see again the multiple windows and the background reference to fig. 7 in claim 1).

4. (Previously Presented) The terminal of Claim 3 wherein the multiple connections means further includes virtual machines,

wherein at least one of the virtual machines has a text buffer so when the at least one of the virtual machines is in the background it has a virtual buffer that it can write to and it continues to run in the background (see again fig. 7);

wherein at least one of the virtual machines sends a signal to a graphics application,

and the application sends a signal out to the server to command it to stop sending display when the application is switched to the background so that traffic relating to the graphics application between the terminal and server is stopped; and the server is commanded to redisplay the screen when the application is switched back to the foreground (see again the rejection of claim 1).

5. (Previously Presented) The terminal of Claim 1 wherein the multiple connections means includes a virtual machine, wherein the virtual machine stops sending and receiving data to and from the server when an application resides in a background session, the virtual machine commanding the server to refresh the data for the application when the application is switched to a foreground (see the rejection of claim 1).

As per claims 7-8, see the rejections of claims 1-2 above.

The features of claims 9-10, and 21-23 are taught via claim 4.

Claims 11, 16-20, 24-25 are rejected as claim 1, see the emulation feature for the adapted to receive function and the permit use of...without requiring more than application data to be transmitted.

In reference to claim 12-15, see the rejection of claims 2-5.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Chavis/
Primary Examiner, Art Unit 2193